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	C104	"A Better appro	each to Midpl	ane Generatio	on Will Keep C	-MOLD	Use	rs a Step A	head," <u>C-M</u> (	OLD I	<u>News,</u> 8(4) (1996).
·	C105	CUBIT Mesh C	sandia.gov/S	EACAS/CUB	311/Users/Cubi	cnapter	ı .nuı	ii, Chapici	3 1-2, 4-3, 71	ppone	
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PATENT

Attorney Docket No.: MFL-003

(5407/9)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Yu et al.

CONFIRMATION NO.:

4824

SERIAL NO.:

10/771,739

**GROUP NO.:** 

2123

FILING DATE:

February 4, 2004

**EXAMINER:** 

Not yet assigned

TITLE:

APPARATUS AND METHODS FOR PERFORMING PROCESS

SIMULATION USING A HYBRID MODEL

# CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28th day of January, 2005.

Lica Marie Solis

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# Submitted herewith are:

1. Transmittal Form (1 page);

2. Supplemental Information Disclosure Statement (2 pages);

3. Form PTO-1449 (1 page);

Copy of cited references C104-C106; and

5. Return Receipt Postcard.

			Application Se	rial Number	10/771	,739	
			Filing Date		Februa	ary 4, 2004	
			First Named In	ventor	Yu		
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10.	(a)	Patent No.		oplicable			
1 18	N 3 1 2005 (S.)		Issue Date		Not applicable		
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	Transmittal Form	Copy of Notice t			Notice of Appeal to Board		
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	☐ Check Attached ☐ Copy of Fee Transmittal Form		Formal Drawing	(s)		Appeal Brief (in triplicate)	
	Amendment/Response		Request For Cor Examination (R			Status Inquiry	
	☐ Preliminary ☐ After Final		Transmittal		⊠	Return Receipt Postcard	
1.	After Final Affidavits/declaration(s) Letter to Official Draftsperson including Drawings [Total Sheets]		Power of Attorn (Revocation of I		Ø	Certificate of First Class Mailing under 37 C.F.R. 1.8	
			Terminal Discla	imer	0	Certificate of Facsimile Transmission under 37 C.F.R. 1.8	
	Petition for Extension of Time		Executed Decla of Attorney for Patent Applicat	ration and Power Utility or Design ion		Additional Enclosure (please identify below)	
⊠	Supplemental Information Disclosure Statement		Small Entity Sta	atement ·			
	Form PTO-1449 Copies of IDS Citations C104-C106		CD(s) for large program	table or computer			
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0	Document(s)		Correction	Certificate of Correction (in			
CORI	RESPONDENCE ADDRESS			SIGNATURE BI	LOCK	Respectfully submitted,	
Direct	Direct all correspondence to:  Patent Administrat Testa, Hurwitz & High Street Tower 125 High Street Boston, MA 0211 Tel. No.: (617) 24 Fax No.: (617) 24			Date: January 28, Reg. No.: 53,002 Tel. No.: (617) 31 Fax No.: (617) 24	0-8471	William R. Haulbrook, Ph.D. Attorney for Applicants Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110	

JAN 3 1 2005

PATENT
Attorney Docket No. MFL-003
5407/9

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Yu et al.

**CONFIRMATION NO.:** 

4824

**SERIAL NO.:** 

10/771,739

**GROUP NO.:** 

2123

**FILING DATE:** 

February 4, 2004

EXAMINER:

: Not yet assigned

TITLE:

Apparatus and Methods for Performing Process Simulation Using a

Hybrid Model -

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the non-patent publications are enclosed.

### REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

<b>⊠</b>	(1)	within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. 1.114; or
	(2)	after the period defined in (1) but before the mailing date of a final action or a notic of allowance under 37 C.F.R. 1.311, and
		the requisite Statement is below, OR
		the requisite fee under 37 C.F.R. 1.17(p), namely \$180.00, is included herein, or

Supplemental Information Disclosure Statement Serial No. 10/771,739 Page 2 of 2 after the mailing date of a final action or notice of allowance but before the payment (3) of the issue fee, AND the requisite Statement is below, AND the requisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein. It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application. STATEMENT As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]: Each item of information contained in the Information Disclosure Statement was  $\Box$ 1. first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or No item of information contained in the Information Disclosure Statement was П 2. cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement. Respectfully submitted,

Date: January 28, 2005

Reg. No. 53,002

Tel. No.: (617) 310-8427 Fax No.: (617) 248-7100

3165241-1

William R. Haulbrook Attorney for Applicants

Testa, Hurwitz, & Thibeault, LLP

High Street Tower 125 High Street

Boston, Massachusetts 02110

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FORM :	<b>PTO -</b> 1		TRADEMA				KET NO.:	MFL-00	3	
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	C107.	C107. Cignoni et al., "Multiresolution Representation and Visualization of Volume Data," <u>IEEE Transactions on Visulazation and Computer Graphics</u> , Vol. 3, No. 4, pp. 352-369 (1997).								
	C108.	. Shephard <i>et al</i> (1997).	., "Parallel Aut	omatic Adaptiv	e Analysis,	" Parallel C	Computing, \	Vol. 23, p	o. 1327-	1347
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PATENT Attorney Docket No. MFL-003 (101347/158502)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Yu et al.

**CONFIRMATION NO.:** 

4824

**SERIAL NO.:** 

10/771,739

**GROUP NO.:** 

1732

FILING DATE:

February 4, 2004

**EXAMINER:** 

Not yet assigned

TITLE:

APPARATUS AND METHODS FOR PERFORMING PROCESS

SIMULATION USING A HYBRID MODEL

# CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29<sup>th</sup> day of July, 2005.

Shawna Boudreau

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Submitted herewith is/are:

- 1. Transmittal Form (1 pg.);
- 2. Supplemental Information Disclosure Statement (2 pgs.);
- 3. Form PTO-1449 (1 pg.);
- 4. Copies of cited references C107-C109; and
- 5. Return receipt postcard.

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AA F	49						
1	Me Ann		Application	Serial Number		10/771,739	
Me 0.	<b>5</b>		Filing Date		1	February 4, 2004	
			First Named	Inventor	1	Yu	
en.	™TRANSMITTA	T	Group Art U	nit		1732	
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	☐ Check Attached☐ Copy of Fee Transmittal Form		Formal Drawir	ng(s)		Appeal Brief (in triplicate)	
	Amendment/Response	Request For Co			Status Inquiry		
	☐ Preliminary ☐ After Final		Transmittal		⊠	Return Receipt Postcard	
	Affidavits/declaration(s) Letter to Official Draftsperson		Power of Attorney (Revocation of Prior Powers)			Certificate of First Class Mailing under 37 C.F.R. 1.8	
	including Drawings [Total Sheets]		Terminal Disclaimer			Certificate of Facsimile Transmission under 37 C.F.R. 1.8	
	Petition for Extension of Time			aration and Power Utility or Design tion		Additional Enclosure(s) (please identify below)	
.⊠	Supplemental Information Disclosure Statement	<u> </u>	Small Entity S	tatement		•	
	Form PTO-1449 Copies of SIDS Citations (C107-C109)		CD(s) for large program	e table or computer			
	Certified Copy of Priority		Amendment A	fter Allowance			
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COR	RESPONDENCE ADDRESS			SIGNATURE BL	OCI		
Direc	t all correspondence to: Patent Ad Goodwin Exchange Boston, M Tel. No.: Fax No.: Customer	-1000 -1231	Date: July 29, 2005 Reg. No. 56,663 Tel. No.: (617) 570-1053 Fax No.: (617) 523-1231  Respectfully submitted,  Brian R. Chase Attorney for Applicants Goodwin Procter LLP Exchange Place Boston, MA 02109				

All O 1 7000 ME

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Yu et al.

**CONFIRMATION NO.:** 

4824

**SERIAL NO.:** 

10/771,739

GROUP NO.:

1732

FILING DATE:

February 4, 2004

**EXAMINER:** 

Not yet assigned

TITLE:

APPARATUS AND METHODS FOR PERFORMING PROCESS

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(2)	after the period defined in (1) but before the mailing date of a final action or a notice of allowance under 37 C.F.R. 1.311, and
	the requisite Statement is below, OR
	the requisite fee under 37 C.F.R. 1.17(p), namely \$180.00, is included herein, or
(3)	after the mailing date of a final action or notice of allowance but before the payment of the issue fee, AND

Supplemental Information Di Serial No. 10/771,739 Page 2 of 2	sclosure Statement
the re	equisite Statement is below, AND
the re	equisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein.
·	equested that each of the patents and publications listed on the attached Form formation contained herein, be made of record in this application.
,	STATEMENT
-	37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that espace only if either (2) or (3) is checked on the previous page and the:
<u> </u>	Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or
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	application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R.
	1.56(c) more than three months prior to the filing of the Information Disclosure Statement.
Date: July 2f, 2005 Reg. No. 56,663 Tel. No.: (617) 570-105	
Fax No.: (617) 523-123	Boston, Massachusetts 02109

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Sheet 1 of 1

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	B13	09262887	10/07/1997	JP				Y		Y (Abstract Only)
	B14	10138312	05/26/1998	JP				Y		Y (Abstract Only)
	B15	10156885	06/16/1998	JP		ĺ		N		Y (Abstract Only)
	B16	2002219739	08/06/2002	JP				N		Y (Abstract Only)
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	C98	Guo et al., "Nun Star 2001, 1:1-5		on of Inject	ion Molding of	Semicry	stalline Therm	oplastics," <u>An</u>	tec, I	Plastic the Lone
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	C100	Liu, "Isothermal	Flow Simulation	on of Liquid	Composite Mo	olding," (	Composites, Pa	urt A 31:1295-	1302	2 (2000).
	C101	Musler et al., "C Effects," Antec,			Film Blowing I	Process I	ncorporating C	rystallization	and '	Viscoelastic
	C102	Pouzada et al., " Bridging the Mi			ata in the Desig	n of Inje	ction Moulded	Flat Products	," <u>A</u>	ntec, Plastics
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# Express Mail Mailing Label No.: EL988704616US

PATENT Attorney Docket No. MFL-003 5407/9

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Yu et al.

CONFIRMATION NO.:

4824

**SERIAL NO.:** 

10/771,739

**GROUP NO.:** 

2123

FILING DATE:

February 4, 2004

**EXAMINER:** 

Not yet assigned

TITLE:

Apparatus and Methods for Performing Process Simulation Using a

Hybrid Model

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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		the requisite fee under 37 C.F.R. 1.17(p), namely \$180.00, is included herein, or

Supplemental Information Disclosure Statement Serial No. 10/771,739 Page 2 of 2 after the mailing date of a final action or notice of allowance but before the payment (3) of the issue fee, AND the requisite Statement is below, AND the requisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein. It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application. **STATEMENT** As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]: 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Date: November 16, 2004

Reg. No. 53,002

Tel. No.: (617) 310-8427 Fax No.: (617) 248-7100

3144753-1

William R. Haulbrook Attorney for Applicants

Attorney for Applicants
Testa, Hurwitz, & Thibeault, LLP

Helley

High Street Tower 125 High Street

Boston, Massachusetts 02110

Express Mail Mailing Label No.: EL988704616US **Application Serial Number** 10/771,739 Filing Date February 4, 2004 First Named Inventor Yu Group Art Unit 2123 SMITTAL Examiner Name Not yet assigned **FORM** Attorney Docket No. MFL-003 Patent No. Not applicable Issue Date Not applicable ENCLOSURES (check all that apply) ☐ Fee Transmittal Form Copy of Notice to File Missing Notice of Appeal to Board Parts of Application of Patent Appeals and Interferences Check Attached Copy of Fee Formal Drawing(s) Appeal Brief (in triplicate) Transmittal Form Amendment/Response Request For Continued Status Inquiry Examination (RCE) Preliminary Transmittal After Final  $\boxtimes$ Return Receipt Postcard Affidavits/declaration(s) Power of Attorney Letter to Official (Revocation of Prior Powers) Certificate of First Class Mailing Draftsperson under 37 C.F.R. 1.8 including Drawings [Total Sheets \_\_\_ Terminal Disclaimer Certificate of Facsimile Transmission under 37 C.F.R. 1.8 Petition for Extension of **Executed Declaration and Power** Additional Enclosure Time of Attorney for Utility or Design (please identify below) Patent Application  $\boxtimes$ Supplemental Information **Small Entity Statement** Disclosure Statement Form PTO-1449 図 Copies of IDS CD(s) for large table or computer Citations B13-B16 and program C98-C103 Certified Copy of Priority Amendment After Allowance Document(s) Request for Certificate of Sequence Listing submission Correction Paper Copy/CD ☐ Certificate of Correction (in Computer Readable Copy duplicate) ☐ Statement verifying identity of above **CORRESPONDENCE ADDRESS** SIGNATURE BLOCK Respectfully submitted, Patent Administrator Direct all correspondence to: Testa, Hurwitz & Thibeault, LLP High Street Tower Villa Z. Hand Date: November 16, 2004 125 High Street Reg. No.: 53,002 William R. Haulbrook, Ph.D. Boston, MA 02110 Tel. No.: (617) 310-8471 Attorney for Applicants Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100 Testa, Hurwitz & Thibeault, LLP Fax No.: (617) 248-7100 High Street Tower 125 High Street

Boston, MA 02110



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#### INFORMATION DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: MFL-003

APPLICANT(S): Yu et al. SERIAL NO.: 10/771,739

FILING DATE: February 4, 2004

**GROUP: 2123** 

#### **U.S. PATENT DOCUMENTS** SUB EXAM. DOCUMENT DATE NAME CLASS FILING DATE IF INIT. NUMBER CLASS APPROPRIATE Αl 3,977,255 8-31-1976 Groleau et al. 06-14-1983 4,387,655 Chaiken 03-12-1985 Mickowski **A3** 4,504,920 Manzione A4 4,534,003 08-06-1985 02-03-1987 Lalloz et al. 4,641,270 A5 4,676,664 06-30-1987 Anderson et al. 4,868,751 09-19-1989 Dogru et al. A7 01-29-1991 Akasaka et al. A8 4,989,166 Α9 5,031,108 07-09-1991 Fujita et al. 5,031,127 07-09-1991 Fujita et al. A10 07-30-1991 5,035,598 Fujita et al. All 12-17-1991 Namba A12 5,072,782 5,097,431 03-17-1992 Harada et al. A13 A14 5,097,432 03-17-1992 Harada et al. A15 5,146,086 09-08-1992 De et al. A16 5,189,626 02-23/1993 Colburn 95-17-1994 5,311,932 Sen et al. Al7 Yamaguchi et al. 09-27-1994 5,350,547 A18 5,377,119 12-27-1994 Backer et al. A19 04-18-1995 Sagawa et al. A20 5,408,638 A21 5,543,093 08-06-1996 Nakamura et al. A22 5,549,857 08-27-1996 Kamiguchi et al. A23 5,572,434 11-05-1996 Wang et al. 12-03-1996 White et al. 5,581,468 A24 DATE CONSIDERED EXAMINER

FORM PTO - 1449 INFORMATION DISCLOSURE STATEMENT					ATTORNEY DOCKET NO.: MFL-003  APPLICANT(S): Yu et al.  SERIAL NO.: 10/771,739  FILING DATE: February 4, 2004  GROUP: 2123						
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	A25	5,700,406	12-23-1997	Menhenne	tt et al.						
	A26	5,760,779	06-02-1998	Yamashita	et al.						<del>i</del>
	A27	5,811,133	09-22-1998	Saito et al.							
	A28	5,812,402	09-22-1998	Nishiyama	1						
	A29	5,835,379	11-10-1998	Nakano						-	<del></del>
	A30	5,989,473	11-23-1999	Haverty							
	A31	6,021,270	02-01-2000	Hanaki et	al.						-
	A32	6,077,472	06-20-2000	Kataoka e	t al.						
	A33	6,089,744	07-18-2000	Chen et al.							
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	A36	6,180,201	01-30-2001	Sandstrom	)	·					
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	A38	6,248,103	06-19-2001	Tannenba	um et al.	,					1
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	B2	72/1978	07-20-2000	AU				<u> </u>		N	Y
	В3	0 525 198 A1	02-03-1993	ЕР						N	Y
	B4	0 698 467 A1	02-28-1996	EP						N	Y
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· · · · · · · ·	В6	4305424	10-28-1992	JP				Y	Y		
	В7	4331125	11-19-1992	JP				Y	Y		
	B8	7125034	05-16-1995	JP				Y	Y		
	B9	8-230007	09-10-1996	Љ				Y	Y		
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			FILING DATE: February 4, 2004							
		•	GROUP: 2123							
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			FILING DATE: February 4, 2004			
GROUP: 2123						
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**PATENT** 

Attorney Docket No.: MFL-003

(5407/9)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Yu et al.

**CONFIRMATION NO.:** 

4824

SERIAL NO.:

10/771,739

**GROUP NO.:** 

2123

FILING DATE:

February 4, 2004

**EXAMINER:** 

Not yet assigned

TITLE:

APPARATUS AND METHODS FOR PERFORMING PROCESS

SIMULATION USING A HYBRID MODEL

# CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this  $f_0^{(1)}$  day of August, 2004.

Lisa Marie Solis

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

### Submitted herewith are:

- 1. Transmittal Form (1 pg.);
- 2. Information Disclosure Statement (2 pgs.);
- 3. Form PTO-1449 (9 pgs.);
- 4. Copy of cited references B1-B12 and C1-C97; and
- 5. Return Receipt Postcard.

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7			Application	Serial Number		10/771,739		
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Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thib High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-71 Fax No.: (617) 248-71			nibeault, LLP	Date: August 6, 2004 Reg. No.: 53,002 Tel. No.: (617) 310-8471 Fax No.: (617) 248-7100 High 125				



PATENT
Attorney Docket No. MFL-003
5407/9

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Yu et al.

**CONFIRMATION NO.:** 

4824

SERIAL NO.:

10/771,739

**GROUP NO.:** 

2123

**FILING DATE:** 

February 4, 2004

**EXAMINER:** 

Not yet assigned

TITLE:

Apparatus and Methods for Performing Process Simulation Using a

Hybrid Model

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. In accordance with the U.S. Patent Office's partial waiver of the requirement under 37 C.F.R. 1.98(a)(2)(i), only copies of the foreign patent documents and non-patent publications are enclosed. In addition, Applicants wish to inform the Examiner about the following patent applications, and the contents of their file wrappers, including all Office actions issued therein.

- 1. U.S.S.N. 10/791,218, entitled "Apparatus and Methods For Predicting Properties of Processed Material," filed on March 2, 2004.
- 2. U.S.S.N. 09/404,932, entitled "Method and Apparatus for Modeling Injection of a Fluid in a Mold Cavity," filed on September 24, 1999.

#### REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

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(1) within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. 1.114; or

Information Disclosure Statement Serial No. 10/771,739 Page 2 of 2 (2) after the period defined in (1) but before the mailing date of a final action or a notice of allowance under 37 C.F.R. 1.311, and the requisite Statement is below, OR the requisite fee under 37 C.F.R. 1.17(p), namely \$180.00, is included herein, or П after the mailing date of a final action or notice of allowance but before the payment of the issue fee, AND the requisite Statement is below, AND the requisite petition fee under 37 C.F.R. 1.17(p), namely \$180.00 is included herein. It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application. **STATEMENT** As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]: 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or П 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of the Information Disclosure Statement. Respectfully submitted, Date: August 6, 2004 Reg. No. 53,002 William R. Haulbrook Attorney for Applicants Testa, Hurwitz, & Thibeault, LLP Tel. No.: (617) 310-8427 **High Street Tower** 

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